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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

8 MONROE JONES,

9 Plaintiff,

10 v.

11 NNCC INTAKE COUNSELOR et al.,

12 Defendants.  
13 \_\_\_\_\_

3:16-cv-00112-MMD-VPC

**ORDER**

14 This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state  
15 prisoner. Plaintiff has submitted an application to proceed *in forma pauperis*. (ECF No. 4).  
16 Based on the financial information provided, the Court finds that Plaintiff is unable to prepay  
17 the full filing fee in this matter.

18 The Court entered a screening order on September 8, 2016. (ECF No. 8). The  
19 screening order imposed a 90-day stay and the Court entered a subsequent order in which the  
20 parties were assigned to mediation by a court-appointed mediator. (ECF No. 8, 15). The  
21 Office of the Attorney General has filed a status report indicating that settlement has not been  
22 reached and informing the Court of its intent to proceed with this action. (ECF No. 21).

23 The Court denies Plaintiff's motion to compel discovery (ECF No. 9) as premature. The  
24 Court denies Plaintiff's motion to correct statement (ECF No. 10) without prejudice. If Plaintiff  
25 seeks to file an amended complaint, he may file a motion requesting leave to file an amended  
26 complaint and should attach the proposed amended complaint to the motion.

27 The Court grants Plaintiff's motion to substitute the name of Defendant Jane Doe  
28 caseworker to Caseworker Rexwinkle. (ECF No. 18 at 2). The Court notes that Defendants  
do not oppose this motion. (ECF No. 19).

1 For the foregoing reasons, IT IS ORDERED that:

2 1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 4) is GRANTED.  
3 Plaintiff shall not be required to pay an initial installment of the filing fee. In the event that this  
4 action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

5 2. The movant herein is permitted to maintain this action to conclusion without the  
6 necessity of prepayment of any additional fees or costs or the giving of security therefor. This  
7 order granting leave to proceed *in forma pauperis* shall not extend to the issuance and/or  
8 service of subpoenas at government expense.

9 3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall  
10 pay to the Clerk of the United States District Court, District of Nevada, 20% of the preceding  
11 month's deposits to Plaintiff's account (**Monroe Jones, #1151085**), in the months that the  
12 account exceeds \$10.00, until the full \$350.00 filing fee has been paid for this action. The  
13 Clerk of the Court shall **SEND** a copy of this order to the Finance Division of the Clerk's Office.  
14 The Clerk of the Court shall also **SEND** a copy of this order to the attention of the Chief of  
15 Inmate Services for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV  
16 89702.

17 4. The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy  
18 of Plaintiff's amended complaint (ECF No. 6) on the Office of the Attorney General of the State  
19 of Nevada, attention Kat Howe.

20 5. Subject to the findings of the screening order (ECF No. 8), within **twenty-one**  
21 **(21) days** of the date of entry of this order, the Attorney General's Office shall file a notice  
22 advising the Court and Plaintiff of: (a) the names of the defendants for whom it accepts  
23 service; (b) the names of the defendants for whom it does not accept service, and (c) the  
24 names of the defendants for whom it is filing the last-known-address information under seal.  
25 As to any of the named defendants for whom the Attorney General's Office cannot accept  
26 service, the Office shall file, *under seal*, but shall not serve the inmate Plaintiff the last known  
27 address(es) of those defendant(s) for whom it has such information. If the last known address  
28 of the defendant(s) is a post office box, the Attorney General's Office shall attempt to obtain

1 and provide the last known physical address(es).

2 6. If service cannot be accepted for any of the named defendant(s), Plaintiff shall  
3 file a motion identifying the unserved defendant(s), requesting issuance of a summons, and  
4 specifying a full name and address for the defendant(s). For the defendant(s) as to which the  
5 Attorney General has not provided last-known-address information, Plaintiff shall provide the  
6 full name and address for the defendant(s).

7 7. If the Attorney General accepts service of process for any named defendant(s),  
8 such defendant(s) shall file and serve an answer or other response to the complaint within  
9 **sixty (60) days** from the date of this order.

10 8. Henceforth, Plaintiff shall serve upon defendant(s) or, if an appearance has been  
11 entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document  
12 submitted for consideration by the Court. Plaintiff shall include with the original document  
13 submitted for filing a certificate stating the date that a true and correct copy of the document  
14 was mailed or electronically filed to the defendants or counsel for the defendants. If counsel  
15 has entered a notice of appearance, Plaintiff shall direct service to the individual attorney  
16 named in the notice of appearance, at the physical or electronic address stated therein. The  
17 Court may disregard any document received by a district judge or magistrate judge which has  
18 not been filed with the Clerk, and any document received by a district judge, magistrate judge,  
19 or the Clerk which fails to include a certificate showing proper service.

20 9. The motion to compel limited discovery (ECF No. 9) is denied.

21 10. The motion to correct statement (ECF No. 10) is denied without prejudice.

22 11. The motion to add Jane Doe caseworker as defendant (ECF No. 18) is granted.  
23 Caseworker Rexwinkle is now substituted for Jane Doe caseworker in the screening order.

24  
25 DATED: This 19<sup>th</sup> day of December, 2016.

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28 United States Magistrate Judge